

REMARKS

Claims 36-38 are pending in the application. Claims 1-35 are cancelled without prejudice or disclaimer. Claims 36-38 have been amended. Claims 39-59 have been added. No new matter has been added. Support for the claim amendments and new claims may be found in the specification, drawings, and claims as originally filed.

Claim Rejections – 35 U.S.C. §101

Claims 36-38 have been rejected, under 35 U.S.C. §101, as being directed to non-statutory subject matter. Claims 36-38 have been amended to indicate that the telecommunications subscriber service package includes a computer-readable storage medium that includes processor executable instructions, representing statutory subject matter.

The Office asserts that “[a]s disclosed in the spec, the ‘package’ is a pricing plan that includes ‘allotments’ which is just an amount of service such as ‘minutes’ in a calling plan, and could also include rates and rules of use (see fig. 13 for an example of a package). This is clearly non-statutory and even if put on a medium would be just data per se and would still be non-statutory.” *See* Office Action, p. 2. Applicants respectfully submit that the computer-readable storage mediums of amended claims 36-38 do not include “just data per se” but rather include processor executable instructions.

For example, the computer-readable storage medium of claim 36 includes “instructions that, when executed by a processor, cause the processor to determine a number of unshared account units remaining” and “instructions that, when executed by the processor, cause the processor to determine a type of account units to be utilized by the first subscriber service based on the number of unshared account units remaining.” Hence, claim 36 is directed to statutory subject matter.

As another example, the computer-readable storage medium of claim 37 includes “instructions that, when executed by a processor, cause the processor to determine a number of shared account units remaining” and “instructions that, when executed by the processor, cause the processor to determine a type of account units to be utilized by the first subscriber service based on the number of shared account units remaining.” Hence, claim 37 is directed to statutory subject matter.

As another example, the computer-readable storage medium of claim 38 includes “instructions that, when executed by a processor, cause the processor to determine a type of account units to be utilized by one of the first subscriber service and the second subscriber service.” Hence, claim 38 is directed to statutory subject matter.

Therefore, Applicants request that the §101 rejections of claims 36-38 be withdrawn.

Claims 36-38 are Allowable

The Office has rejected claims 36-38, under 35 U.S.C. §102(a), as being anticipated by U.S. Patent No. 5,771,282 (“Friedes”). Applicants respectfully traverse the rejections.

In the Board Decision on Appeal mailed September 12, 2008, the Board reversed the rejections of claims 36-38. The Board indicated that the Office “did not provide a specific basis for rejecting these claims.” Further, the Board indicated that the Office “does not point to the disclosure that is asserted to meet the specific claim limitations recited in claims 36-38...” *Board Decision*, page 11-12. In the current Office Action, the Office again fails to provide a specific basis for rejecting claims 36-38.

On page 3 of the Office Action, the Office asserts that “Friedes discloses a telecommunications subscriber service package comprising: an allocation of unshared account units for use of a first subscriber service and available for use of a first subscriber service (wireline or long distance service, fig. 1, 12, 14, 16, 18) and available for use of a second subscriber service (wireless service, fig. 1, 20), the first subscriber service being distinct from the second subscriber service (wireline or long distance service is different from wireless service).” The Office further asserts that Friedes discloses “wherein the allocation of unshared account units is utilized by the first subscriber service prior to utilization of the allocation of shared account units by the first subscriber service,” without pointing to a specific section in Friedes. Further, the Office does not provide any basis for rejecting claims 37 and 38.

In addition, Friedes does not disclose at least one element of claims 36-38. For example, Friedes fails to disclose determining a number of unshared account units remaining and determining a type of account units to be utilized by a first subscriber service based on the number of unshared account units remaining, as in claim 36. As another example, Friedes fails to disclose that an allocation of unshared account units is utilized by a first subscriber service

prior to utilization of an allocation of shared account units by the first subscriber service, as in claim 36.

In contrast to claim 36, Friedes describes aggregated billing for calls originating from separate phone stations. In Friedes, charges contained in a billing record for calls associated with a common account number can be combined to yield an aggregate bill. See Friedes, Abstract. Friedes does not disclose unshared account units, shared account units, or determining a type of account units (e.g., shared or unshared account units) to be used by a particular subscriber service. Therefore, Friedes does not disclose determining a number of unshared account units remaining and determining a type of account units to be utilized by a first subscriber service based on the number of unshared account units remaining, as in claim 36. Further, Friedes does not disclose that an allocation of unshared account units is utilized by a first subscriber service prior to utilization of an allocation of shared account units by the first subscriber service, as in claim 36. Therefore, Friedes does not disclose at least one element of claim 36. Hence, claim 36 is allowable.

Friedes does not disclose at least one element of claim 37. For example, Friedes fails to disclose determining a number of shared account units remaining and determining a type of account units to be utilized by a first subscriber service based on the number of shared account units remaining, as in claim 37. As another example, Friedes fails to disclose that an allocation of unshared account units is utilized by a first subscriber service after exhaustion of an allocation of shared account units, as in claim 37.

In contrast to claim 37, Friedes describes aggregated billing for calls originating from separate phone stations. In Friedes, charges contained in a billing record for calls associated with a common account number can be combined to yield an aggregate bill. See Friedes, Abstract. Friedes does not disclose unshared account units, shared account units, or determining a type of account units (e.g., shared or unshared account units) to be used by a particular subscriber service. Therefore, Friedes does not disclose determining a number of shared account units remaining and determining a type of account units to be utilized by a first subscriber service based on the number of shared account units remaining, as in claim 37. Further, Friedes does not disclose that an allocation of unshared account units is utilized by a first subscriber service after exhaustion of an allocation of shared account units, as in claim 37. Therefore, Friedes does not disclose at least one element of claim 37. Hence, claim 37 is allowable.

Friedes does not disclose at least one element of claim 38. For example, Friedes fails to disclose determining a type of account units (e.g., shared account units or unshared account units) to be utilized by one of a first subscriber service and a second subscriber service, where relative usage of an allocation of shared account units by one of the first subscriber service and the second subscriber service is limited according to a predefined usage ratio, as in claim 38.

In contrast to claim 38, Friedes describes aggregated billing for calls originating from separate phone stations. In Friedes, charges contained in a billing record for calls associated with a common account number can be combined to yield an aggregate bill. *See* Friedes, Abstract. Friedes does not disclose unshared account units, shared account units, determining a type of account units (e.g., shared or unshared account units) to be used by a particular subscriber service, or that relative usage of an allocation of shared account units by a particular subscriber service is limited according to a predefined usage ratio. Therefore, Friedes does not disclose determining a type of account units to be utilized by one of a first subscriber service and a second subscriber service, where relative usage of an allocation of shared account units by one of the first subscriber service and the second subscriber service is limited according to a predefined usage ratio, as in claim 38. Hence, claim 38 is allowable.

New Claims 39-59 are Allowable

Claims 39-45 depend from claim 36, which Applicants have shown to be allowable. Therefore, claims 39-45 are allowable, at least by virtue of their dependence from an allowable claim.

Claims 46-52 depend from claim 37, which Applicants have shown to be allowable. Therefore, claims 46-52 are allowable, at least by virtue of their dependence from an allowable claim.

Claims 53-59 depend from claim 38, which Applicants have shown to be allowable. Therefore, claims 53-59 are allowable, at least by virtue of their dependence from an allowable claim.

CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the references as applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

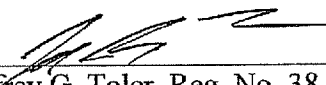
Any changes to the claims in this response, which have not been specifically noted to overcome a rejection based upon the cited art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date


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